



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Patrick C. Chou *et al.* Art Unit : 2877  
Serial No. : 09/785,039 Examiner : Tu T. Nguyen  
Filed : February 15, 2001  
Title : COMPENSATING POLARIZATION MODE DISPERSION IN FIBER OPTIC  
TRANSMISSION SYSTEMS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO ACTION OF NOVEMBER 18, 2003

In reply to the Office Action of November 18, 2003, Applicant submits the following remarks.

Claims 1-2, 4, 6-24, 26, and 28-34 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,567,167. In the interest of expediting prosecution, Applicants submit a terminal disclaimer in response to this rejection.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants respectfully request that all claims be allowed.

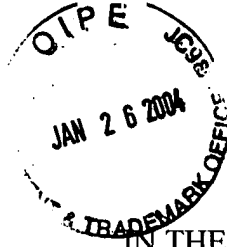
Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 1-26-04

Harold H. Fox  
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**TERMINAL DISCLAIMER UNDER 37 C.F.R. §§3.73(b) AND 1.321(b)**

Pursuant to 37 C.F.R. §3.73(b), MASSACHUSETTS INSTITUTE OF TECHNOLOGY, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011850, Frame 0969 on May 29, 2001. Massachusetts Institute of Technology also certifies that it is the assignee of U.S. Patent No. 6,567,167. A copy of the assignment is attached for your reference.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the Massachusetts Institute of Technology.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,567,167, whereby the patent granted on this application and U.S. Patent No. 6,567,167 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,567,167.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,567,167 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise

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Attorney's Docket No.: 01997-296001 / MIT Case 9083

terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,567,167.


This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

A check for the fee under 37 C.F.R. § 1.20(d) of \$55 is enclosed. Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 01997-296001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 1-26-04

  
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